

Yeejle mejkeÀej/Government of India

DemeeOeejCe

EXTRAORDINARY

PesCeer-1 / SERIES - I

He'eefOekeÀjCe Æeje

He'keÀeefMele

PUBLISHED BY AUTHORITY

Vol. No. XXXIII SILVASSAMonday 12th February, 2018/ Magha-23, 1939 No. 33

Union Territory Administration of Dadra and Nagar Haveli

Urban Development Department

NOTIFICATION

No. DNH/SMC/RULES/05/2018/274

Rules

In exercise of the powers conferred by sub-section (2) of section 300 read with sub-section (1) of section 147 of the Dadra and Nagar Haveli Municipal Council Regulation, 2004, the Administrator, Dadra and Nagar Haveli, hereby makes the following rules, namely:-

1. **Short title and commencement:** - (1) These rules may be called the Dadra and Nagar Haveli Municipal Council(Sale of Distrained or Attached Movable and Immovable Property) Rules, 2018.

(2) They shall come in to force on the date of their final publication in the Official

Definition:- In these rules, unless the context otherwise requires: -

- (a) "Form" means a Form appended to these rules;
- (b) "local language" in relation to Dadra and Nagar Haveli means Gujarati;
- (c) "Regulation" means the Dadra and Nagar Haveli Municipal Council Regulation, 2004;
- (d) "Section" means section of Regulation; and

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(e) words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Regulation.

3. **Chief Officer to make proclamation of intended sale :-** When any sale of movable or
4. immovable property, as the case may be, is ordered under sub-section (1) of section 147, the
5. Chief Officer shall fifteen days prior to the date of such sale, issue a
6. proclamation thereof, in Form 'A' in English or any local language specifying there in: -
 - (a) the time and place of sale;

- 7.
- (b) the description of the property;
 - (c) any encumbrance to which the property is liable; and
 - (d) any other particulars necessary to identify the nature and value of the property.

Notice to defaulter of intended sale:- When the proclamation for sale is issued under rule 3, a copy of such proclamation shall be served on the defaulter with a notice in Form 'B'.

Publication of proclamation:- (1) The proclamation issued under rule 3 shall be got published by the Chief Officer in one or more vernacular local newspapers in circulation in the Municipal area.

- (2) A copy of the proclamation shall also be affixed on the Notice Board of the Council Office and also on Council's website.
- (3) Where the property is land paying revenue to the Government, a copy of the proclamation issued under rule 3 shall be affixed on the Notice Board in the office of the Collector of district in which the land is situated.
- (4) Where it is immovable property, a copy of the proclamation shall be fixed at the conspicuous place of the premises where it is situated.
- (5) The Chief Officer may also give such additional publicity to the proclamation of sale by beat of drum or any other customary mode of publicity as he may consider it necessary.
- (6) No sale of attached or distrained property shall be held invalid merely on the ground that the notice of proclamation was not given in the manner provided in these rules, if reasonable notice was given to affected parties.

Reasons for postponement of sale to be recorded :- Chief Officer may, for any sufficient reasons to be recorded in writing, postpone the sale and give sufficient publicity to the revised time, date and place fixed by him for holding the sale. **Sale under supervision of Chief Officer :-** Every sale shall take place under the supervision of the Chief Officer:

Provided that, where for sufficient reasons, it is not possible for the Chief Officer to conduct the sale, he shall, with the prior permission of the President, authorize in writing any other Officer, not below the rank of a Head Clerk in the employment of the Council for the purpose of supervising the sale.

8. **Purchaser to deposit purchase money :-** (1) When the officer conducting the sale concludes the sale of movable property, the bidder shall pay the sale price for which the sale is concluded immediately to the said officer, in default of which the property shall be resold at his risk.

- (2) Where the resale results in any loss to the Council, the bidder shall be liable for such loss.
- (3) In the case of immovable property, the person who is declared to be the purchaser shall deposit twenty per cent of the sale price immediately after his bid is accepted, with the officer conducting the sale.
- (4) The purchaser shall pay the balance within fifteen days from the date of sale of the property in the Office of the Council.
- (5) Where the last day be a Sunday or a public holiday, then payment shall be made on the first working day immediately after such day.
- (6) Where the purchaser does not pay the balance of sale price within the period specified under sub-rule (4), the property shall be resold at his risk.
- (7) The purchaser shall forfeit all claims to the sale price realized on resale and if such resale results in any loss to the Council, he shall be liable for such loss.

9. **Loss to be recovered as arrears of Municipal taxes :-** When the resale of any property results in any loss to the Council, the difference in the original sale price and price realized after resale together with all expenses, incurred on such resale shall be recovered by the Council from the defaulter as arrears of Municipal taxes. It shall be lawful for the Chief Officer to ask prospective bidders to deposit earnest money or bid charges so that only genuine bidders participate in the auction.

Provided that such earnest money shall not exceed 10% of total value of the property to be auctioned.

10. **Resale after fresh proclamation :-** Whenever any postponed sale or resale is to be held under these rules, the Chief Officer shall issue a fresh proclamation in the manner specified in rule 3 and follow the procedure specified in rules 4 and 5.

11. **Setting aside sale in certain cases :-** Where due to sale of any immovable property, interests of some person are affected, such person may apply, to the Chief Officer within twenty one days from the date on which the sale is held, to set aside the sale on the ground of some material irregularity, mistake or fraud in the proclamation or conduct of the sale:

Provided that, no sale shall be set aside on the aforesaid ground, unless, it is proved to his satisfaction that the applicant has sustained substantial loss by reason thereof.

12. **Refund of deposit or purchase money :-** When the sale is set aside the deposit or purchase money, as the case may be, of the purchaser shall be refunded to him.
13. **The Chief Officer to confirm the sale :-** (1) Where no objection is raised within twenty one days from the date on which the sale of immovable property is held, or even when any objections are so raised and the Chief Officer is satisfied that there

is no valid reason to set aside the sale and full payment is made as required by these rules, the Chief Officer shall confirm the sale by granting a certificate as specified under sub-section (2) of section 147 in



Form C”.

- (2) No sale shall be deemed to be complete, unless, it is confirmed by the Chief Officer.
Where the sale of immovable property is confirmed by the Chief Officer, the name of
- (3) the purchaser shall be entered in the Municipal record as the owner of the said property, in lieu of the defaulter.

FORM ‘A’

(See rule 3)

.....Municipal Council

Form of the Proclamation of Sale of attached property.

Whereas Shri..... failed to pay the Municipal dues amounting to Rs..... relating to the period from.....to.....

And whereas in accordance with the order No. dated..... issued by the Chief Officer under section 135 of the Dadra and Nagar Haveli Municipal Council Regulation, 2004, the property of the said person herein under specified has been attached/distrained towards recovery of the aforesaid Municipal dues;

Now, therefore, notice is hereby given that subject to the provisions of sub-section (1) of section 147 of the Dadra and Nagar Haveli Municipal Council Regulation, 2004, the officer of the Municipal Council shall sell by public auction..... day of.....
.....at

(date) (month and year)

between on such conditions as are set out in the subjoined schedule of conditions of sale, the right, title and interest of the said Shri..... in the property hereunder specified.

Details of immovable property:-

Details of Movable property:-

Date:

Chief Officer,

.....Municipal Council

Schedule of conditions of Sale (Here insert conditions of Sale)

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FORM ‘B’

(See rule 4)

.....Municipal Council

Notice of Sale

From..... (Name and office of the persons charges with the execution of the warrant.)

To

Shri.....(Name, father’s name and address of the defaulter whose property is to be sold).

You are hereby required to take notice that the property described in the proclamation annexed hereto and which has been attached under **Section 143** of the Dadra & Nagar Haveli

Municipal Council Regulation-2004 shall be sold by public auction at(place) on the day..... (date)

day of 200 (month and year at.....(hour)

A copy of the proclamation issued in Form 'A' attached.

Place

Signature of the person charged

Date.....

with the execution of the warrant.

FORM 'C'

[See sub-rule (1) of rule 13)

.....Municipal Council

(Sale certificate to be issued undersub-section (2) of section 147 of the Dadra & Nagar Haveli Municipal Council Regulation-2004.

This is to certify that Shri/ Smt.....(son/daughter/wife)..... resident of has been declared the purchaser of the property specified below for Rs.....

.....at a sale by public auction held on the of and that the said(month and year) sale has been confirmed by the Chief

Officer.....Municipal Council on the.....

(date) day of 200 (month and year)

Such sale transfers the right, title and interest of Shri/Shrimati.....son/daughter/wife of..... Resident of..... in the said property to the purchaser aforesaid.

Details of the property

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Accurate situation of the property
with Detailed description of
boundaries
Surroundings etc. (applicable to

Details of the
propertysaid
property

Name in full of the owner of
the

1

2

3

Date:

Signature of the Chief Officer

Note: -The details of the property shall, as far as may be, the same as in the property register.

By order and in the name of the Administrator
Dadra and Nagar Haveli

Silvassa

Dated : 09/02/2018

Deputy Secretary (UD)

Dadra and Nagar Haveli,

Silvassa.

Printed and Published by Principal I.T.I. and Incharge Govt. Printing Press, Silvassa-2018

PRICE : ` : 06-00

